



IT IS ORDERED as set forth below:

Date: May 8, 2024

Paul Baisier

**Paul Baisier
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In Re:

Kenneth Gregory Cook,
Debtor.

Chapter 13

Case No. 18-53572 - PMB

Carrington Mortgage Services, LLC, its
successors or assigns,

Movant,

Contested Matter*

V.

Kenneth Gregory Cook, Debtor
Melissa J. Davey, Chapter 13 Trustee,

Respondents.

ORDER GRANTING RELIEF FROM STAY

Carrington Mortgage Services, LLC, its successors or assigns, (hereinafter referred to as the "Movant") *Motion for Relief from the Automatic Stay* of 11 U.S.C. § 362(a) filed December 1, 2023 (Doc. No. 66) (hereinafter referred to as the "Motion") which was scheduled for hearing on December 21, 2023 and upon which Movant contends notice was given to all parties in interest.

The hearing on the Motion was subsequently rescheduled for January 4, 2024. The hearing on the Motion was subsequently rescheduled for February 1, 2024. The hearing on the Motion was subsequently rescheduled for March 7, 2024. The hearing on the Motion was subsequently rescheduled for April 4, 2024. Movant asserts that it properly served the Motion and notice of the hearing on the Respondents. The Court, having considered the Motion and all other matters of record, has determined that relief from the automatic stay should be granted as set forth herein.

It is, therefore, ORDERED as follows:

1. The automatic stay of 11 U.S.C. § 362 is hereby modified to permit Movant and its successors and assigns to assert and exercise all of their rights and remedies with regard to the property commonly known as 5771 Southland Walk, Stone Mountain, GA 30087, more particularly described at Deed Book 20420, Page 598, DeKalb County records (hereinafter referred to as the “Property”), including, but not limited to, the institution and completion of foreclosure and dispossessory proceedings in accordance with applicable law and the collection of reasonable fees from the Property to the extent permitted by applicable law.

2. This Order does not determine any issues with regard to the amount or validity of the claim of the Movant, its successors or assigns, or any rights or interests of the Movant, its successors or assigns, the Debtor, or any other entity in the Property.

3. Upon the completion of any foreclosure sale prior to the closing of this case, if the proceeds of the sale exceed the amount to which the Movant is entitled, the Movant shall file a report showing the disposition of such excess in accordance with applicable law and shall pay to the Trustee in the case any amount otherwise due to the Debtor.

4. This Order shall be effective immediately, and the stay under Fed. R. Bankr. P. 4001(a)(3) shall not apply.

5. The Chapter 13 Trustee shall cease disbursements on Movant's Proof of Claim.

END OF DOCUMENT

Prepared by:

No Opposition

/s/ Kathlyn Flora Ibrahim Fouad Khashan

/s/ Delaycee S. Rowland *with express permission*

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DISTRIBUTION LIST

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